

HOUSE BILL NO. 819

INTRODUCED BY J. TAYLOR, SINRUD

A BILL FOR AN ACT ENTITLED: "AN ACT APPROPRIATING MONEY TO THE JUDICIAL BRANCH; REVISING LAWS TO ALLOW FOR THE APPROPRIATIONS AND TO IMPLEMENT THE STATUTORY PROVISIONS GOVERNING APPROPRIATIONS FOR THE OPERATION OF THE JUDICIAL BRANCH; AMENDING SECTIONS 15-1-122, 17-1-507, 17-7-123, 17-7-131, 17-7-138, 17-7-139, 17-7-140, 17-7-301, 17-7-304, AND 90-4-614, MCA; AND PROVIDING EFFECTIVE DATES."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

(Refer to Third Reading Bill)

Strike everything after the enacting clause and insert:

NEW SECTION. Section 1. First level expenditures. The agency and program appropriation tables in the legislative fiscal analyst narrative accompanying this bill, showing first level expenditures and funding for the 2009 biennium, are adopted as legislative intent.

NEW SECTION. Section 2. Severability. If any section, subsection, sentence, clause, or phrase of [this act] is for any reason held unconstitutional, the decision does not affect the validity of the remaining portions of [this act].

NEW SECTION. Section 3. Appropriation control. An appropriation item designated "Biennial" may be spent in either year of the biennium. An appropriation item designated "Restricted" may be used during the biennium only for the purpose designated by its title and as presented to the legislature. An appropriation item designated "One Time Only" or "OTO" may not be included in the present law base for the 2011 biennium. The office of budget and program planning shall establish a separate appropriation on the statewide accounting, budgeting, and human resource system for any item designated "Biennial", "Restricted", "One Time Only", or "OTO". The office of budget and program planning shall establish at least one appropriation on the statewide accounting, budgeting, and human resource system for any appropriation that appears as a separate line item in [this act].

NEW SECTION. Section 4. Program definition. As used in [this act], "program" has the same meaning as defined in 17-7-102, is consistent with the management and accountability structure established on the statewide accounting, budgeting, and human resource system, and is identified as a major subdivision of an agency ordinally numbered with an Arabic numeral.

1 NEW SECTION. **Section 5. Personal services funding -- 2011 biennium.** Present law and new proposal funding budget requests for the 2011 biennium submitted under Title
2 17, chapter 7, part 1, by each judicial branch agency must include funding of first level personal services separate from funding of other expenditures. The funding of first level personal services
3 by accounting entity or equivalent for each fiscal year must be shown at the fourth reporting level or equivalent in the budget request for the 2011 biennium submitted by October 30 to the
4 legislative fiscal analyst by the office of budget and program planning.

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6 NEW SECTION. **Section 6. Totals not appropriations.** The totals shown in [this act] are for informational purposes only and are not appropriations.

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8 NEW SECTION. **Section 7. Effective date.** [This act] is effective July 1, 2007.

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10 NEW SECTION. **Section 8. Appropriations.** The following money is appropriated for the respective fiscal years:

		<u>Fiscal 2008</u>					<u>Fiscal 2009</u>					
	<u>General Fund</u>	<u>State Special Revenue</u>	<u>Federal Special Revenue</u>	<u>Proprietary</u>	<u>Other</u>	<u>Total</u>	<u>General Fund</u>	<u>State Special Revenue</u>	<u>Federal Special Revenue</u>	<u>Proprietary</u>	<u>Other</u>	<u>Total</u>
1	JUDICIAL BRANCH											
2	JUDICIARY (2110)											
3	1. Supreme Court Operations (01)											
4	7,792,574	110,042	125,380	0	0	8,027,996	7,902,444	110,042	125,879	0	0	8,138,365
5	a. Legislative Audit (Restricted/Biennial)											
6	44,288	0	0	0	0	44,288	0	0	0	0	0	0
7	2. Boards and Commissions (02)											
8	254,673	25,006	0	0	0	279,679	255,080	25,006	0	0	0	280,086
9	a. Judicial Standards (Restricted/Biennial)											
10	25,000	0	0	0	0	25,000	0	0	0	0	0	0
11	3. Law Library (03)											
12	846,721	0	0	0	0	846,721	870,328	0	0	0	0	870,328
13	4. District Court Operations (04)											
14	22,994,883	253,447	0	0	0	23,248,330	23,052,167	253,447	0	0	0	23,305,614
15	a. District Court Safety and Security (OTO)											
16	300,000	0	0	0	0	300,000	0	0	0	0	0	0
17	5. Water Courts Supervision (05)											
18	0	1,383,541	0	0	0	1,383,541	0	1,386,782	0	0	0	1,386,782
19	6. Clerk of Court (06)											
20	417,922	0	0	0	0	417,922	419,705	0	0	0	0	419,705
21	<hr/>											
22	Total											
23	32,676,061	1,772,036	125,380	0	0	34,573,477	32,499,724	1,775,277	125,879	0	0	34,400,880
24	-END-											